

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
and
Department of Environmental Protection**

Response to Comment on Amendments to:

310 CMR 7.74 *Reducing CO₂ Emissions from Electricity Generating Facilities*

December, 2017

Regulatory Authority:

**M.G.L. c. 21A, §§ 2, 8, and 16
M.G.L. c. 21N, §§ 2(a)(5), 3(b)-(d), 4, and 7
and M.G.L. c. 111, §§ 2C and 142A – 142E**

Background and Purpose

In August 2017, the Massachusetts Executive Office of Environmental Affairs (EEA) and the Massachusetts Department of Environmental Protection (MassDEP) finalized 310 CMR 7.74 *Reducing CO₂ Emissions from Electricity Generating Facilities*, which creates an allowance trading program that requires large power plants in Massachusetts to comply with an annually declining limit on carbon dioxide (CO₂) emissions. EEA and MassDEP are amending 310 CMR 7.74 to correct errors that were identified in the final regulation published in August that affect only two (2) of the twenty one (21) existing facilities CO₂ emissions limits for 2018 subject to the regulation. Additional information about 310 CMR 7.74, including the Technical Support Document published with the proposed amendments, is available at <https://www.mass.gov/guides/electricity-generator-emissions-limits-310-cmr-774>.

Public Comment Process

MassDEP held one public hearing and solicited oral and written comments on the proposed amendments to the 310 CMR 7.74 in accordance with MGL Chapter 30A. On October 20, 2017, MassDEP published in two newspapers, the Boston Globe and the Springfield Republican, notice of the public hearing and public comment period on the proposed amendments. The public hearing notice was also published in the Massachusetts Register on October 20, 2017, and interested parties were notified via electronic mail. The public hearing was held at MassDEP's Boston office on November 14, 2017, and the public comment period closed on November 27, 2017. A list of commenters is included at the end of this Response to Comments document.

Comments and Responses

Comment: One commenter expressed support for the proposed amendments. (Calpine)

Response: EEA and MassDEP appreciate these comments, and are finalizing the amendments as proposed.

List of Commenters

Calpine